



Attorney Docket No.: SP02-146

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Beall, et al.

Serial No: 10/606,708

Filing Date: 6/26/2003

Title: Magnesium Aluminum Silicate
Structures for DPF Applications

Group Art Unit: 1724

Examiner: Jason M Greene

AFFIDAVIT

STATE OF NEW YORK:
COUNTY OF STEUBEN:

**37 CFR 1.132 AFFIDAVIT DISQUALIFYING COMMONLY-OWNED
PUBLISHED APPLICATION AS PRIOR ART UNDER 103**

Douglas M. Beall and Gregory A. Merkel being by me duly sworn, did depose and say:

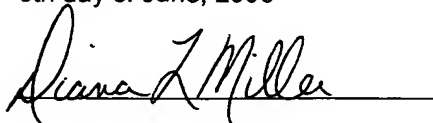
1. Upon information and belief, the claimed invention in the present application 10/606,708 was invented by Douglas M. Beall, Gregory A. Merkel and Martin J. Murtagh.
2. Upon information and belief, Douglas M. Beall and Gregory A. Merkel are named inventors in WO 01/91882.
3. Table A of WO 01/91882 describing MgO as a raw material to manufacture cordierite filter articles was conceived or invented by, and is therefore attributed to, Douglas M. Beall and Gregory A. Merkel.
4. Although WO 01/91882 describes MgO in Raw Material Table A, only the use of talc is claimed in WO 01/91882.
5. Therefore, upon information and belief, it is asserted that WO 01/91882 should be disqualified as prior art to the present application serial number 10/606,708 under 35 USC 103.

WHEREFORE, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, and any patent to which this declaration is directed.


Douglas M. Beall


Gregory A. Merkel

Sworn to before me this
6th day of June, 2006

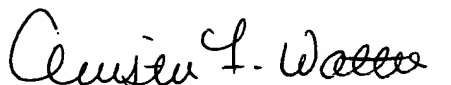


Notary Public

DIANA L. SILVERMAN MILLER

Notary Public, State of New York
Steuben County No. 01SI4798033
Commission Expires June 30, 2007

Sworn to before me this
6th day of June, 2006



Notary Public

CHRISTINE F. WATTERS
Notary Public, State of New York
Qualified in Steuben County No. 4945322
My Commission Expires December 19, 2006